

25.07.2025
Court No. 35
D/L. No.51
Rakib

W.P.A. 14479 of 2025

**Biswajit Majhi & Anr.
VS
The State of West Bengal & Ors.**

Mr. Abdul Hamid Molla
Mr. Md. Abdul Halim
Ms. Nupur Choudhuri
Mr. Sahil Ahmed
...for the Petitioners.

Mr. Bimalendu Das
Ms. Anima Das Chakraborty
...for the State.

Affidavit-of-service filed by the petitioner be kept
with the record.

Petitioner complains of police excess and to that
effect has informed the Superior Officer of the police
including the Superintendent of Police, Diamond Harbour
Police District, Inspector-in-Charge, Nodakhali PS and
Inspector-in-Charge, Bishnupur PS.

Report has been submitted by the Bishnupur
Police Station which reflect that the petitioner as well as
the private respondents both were arrested for
committing public nuisance and prosecuted under
Section 292 of the BNSS, they were produced before the
jurisdictional Magistrate and they obtained bail. It has
been a categorical statement in the report prepared by the
Inspector-in-Charge, Bishnupur Police Station that they
did not furnish bail bonds on the date on which they were
arrested, as such they had to be produced before the
learned A.C.J.M.

Since no document has been enclosed in respect of any defence being taken or accusations being made before the A.C.J.M. when the accused persons were produced before the Court, I am of the view that if the petitioner is aggrieved by the act and action of the police authorities, proper steps be taken before the learned A.C.J.M. in seisin of the case relating to Bakhrahat Outpost G.D. Entry 996 dated 03.05.2025 under Section 39 of the BNSS/292 of BNS. The jurisdictional Court would assess regarding the accusations and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations WPA 14479 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)